

1 THE HONORABLE RICARDO S. MARTINEZ

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MILTON CARDOZA, individually and on
10 behalf of all others similarly situated,

11 Plaintiff,

12 v.

13 T-MOBILE USA, INC., a Delaware
14 corporation,

15 Defendant.

No. 2:09-cv-00378-RSM

**STIPULATION AND ORDER
EXTENDING TIME TO
RESPOND TO COMPLAINT**

16 WHEREAS, Plaintiff filed his complaint in the above-titled action in the U.S. District Court
17 for the Northern District of California on November 10, 2008 (the "Complaint");

18 WHEREAS, the above-titled action was transferred to this District by order of the Hon.
19 Samuel Conti dated March 18, 2009;

20 WHEREAS, T-Mobile currently has until April 17, 2009 to answer, move to dismiss under
21 Federal Rule of Civil Procedure 12, or otherwise respond to the Complaint, pursuant to a prior
22 stipulation between the parties;

23 WHEREAS, T-Mobile's motion to dismiss the complaint filed in a related action,
24 Barahona, et al. v. T-Mobile USA, Inc., No. 08-cv-1631-RSM (the "Barahona Motion"), is
25 currently pending before this Court;

26 WHEREAS, the parties have agreed that T-Mobile's time to answer, move to dismiss under
27 Rule 12, or otherwise respond to the Complaint should be extended until after the Court has ruled
28 on the Barahona Motion; and

1 WHEREAS, the requested extension will not alter the date of any event or deadline already
2 fixed by Court order;

3 IT IS HEREBY STIPULATED AND AGREED among the parties, through their respective
4 counsel of record, to an extension of time for T-Mobile to answer, move to dismiss under Rule 12,
5 or otherwise respond to the Complaint until 30 days after the Court has ruled on the Barahona
6 Motion.

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9 Dated: April 2, 2009

DAVIS POLK & WARDWELL

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11 By: _____
Neal A. Potischman, *Admitted pro hac vice*

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13 Attorneys for Defendant T-Mobile

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15 Dated: April 2, 2009

LAW OFFICE OF PETER FREDMAN

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17 By: _____
Peter B. Fredman

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19 Attorneys for Plaintiff

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21 * * *

22 IT IS SO ORDERED.

23 Dated: April 6, 2009

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26 RICARDO S. MARTINEZ
27 UNITED STATES DISTRICT JUDGE
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